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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,315	11/04/1999	PAUL D. MARKO	XM-0014	5073

7590

08/27/2002

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EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

*jm*

# Office Action Summary

Application No.

09/435,315

Applicant(s)

MARKO ET AL.

Examiner

JOHN J LEE

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments with respect to claims 17 - 29 have been considered but are moot in view of the new ground(s) of rejection. In response to Applicant's amendment regarding the newly added limitation in claim 1, Applicant's attention is directed to the rejection below for the reasons as to why this newly added limitation is not patentable.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 17 – 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marko et al. (US Patent number 6,154,452) in view of Timm et al. (US Patent number 6,055,268).

Regarding **claim 17**, Marko discloses that a satellite digital audio radio multipoint distribution system comprising:

a satellite antenna (Fig. 1) for receiving a satellite digital audio radio signal (column 4, lines 16 – 48 and Fig. 1, 16);

a terrestrial repeater (Fig. 1, 16) connected to said antenna for decoding said satellite signal and recording said satellite signal into an frequency satellite radio

terrestrial broadcast format signal (Fig. 16) (column 8, lines 21 – column 9, lines 52 and Fig. 1, 16);

a system for distributing said recoded frequency signal, (column 8, lines 21 – column 9, lines 52 and Fig. 1, 16) and

plural satellite digital audio radio service receivers (Fig. 1) adapted to receive said recorded frequency signals from said distributing system and provide an audio and/or visual output signals in response thereto (column 8, lines 21 – column 9, lines 52 and Fig. 1, 16).

Marko does not specifically disclose the limitation “an intermediate frequency (IF) satellite radio terrestrial broadcast format signal”. However, Timm discloses the limitation (Fig. 2d, 2f, column 11, lines 24 – column 12, lines 67, and column 13, lines 60 – column 14, lines 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Marko structure as taught by Timm. The motivation do so would be to enhance signal processing in satellite communication.

Regarding **claim 18**, Marko discloses that the format is an XM radio format (interoperable receivers for satellite radio reception, receivers capable of processing signal from CD radio) (Fig. 1, 3, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 19**, Marko discloses that the format is multi-carrier modulation (Fig. 1, 8, 9, column 5, lines 42 – column 7, lines 27, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 20**, Marko and Timm disclose all the limitation, as discussed in claims 17 and 19.

Regarding **claim 21**, Marko discloses that each of said plural receivers includes a respective user interface to allow for channel selection and audio processing (abstract, column 1, lines 24 – column 2, lines 67, column 5, lines 12 – column 6, lines 55, and column 10, lines 5 – 61).

Regarding **claim 22**, Marko discloses that each of said plural receivers includes a channel decoder integrated circuit adapted to receive said recoded signal and provide a digital bitstream output in response thereto (abstract, column 1, lines 24 – column 2, lines 67, column 5, lines 12 – column 6, lines 55, and column 7, lines 41 – column 9, lines 15).

Regarding **claim 23**, Marko discloses that each of said plural receivers further includes a source decoder digital signal processor adapted to receive said digital bitstream and provide said output signal in response thereto (abstract, column 1, lines 24 – column 2, lines 67, column 5, lines 12 – column 6, lines 55, and column 7, lines 41 – column 9, lines 15).

Regarding **claim 24**, Marko discloses that the distribution system is a cable distribution system (Fig. 1, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 25**, Marko discloses that the distribution system is a wireless distribution system (Fig. 1, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 26**, Marko discloses that the distribution system is a fiber-optic distribution system (Fig. 1, 16, column 7, lines 41 – column 9, lines 15, and column 1, lines 24 – column 2, lines 67).

Regarding **claim 27**, Marko and Timm disclose all the limitation, as discussed in claim 17.

Regarding **claim 28**, Marko and Timm disclose all the limitation, as discussed in claim 17.

Regarding **claim 29**, Marko and Timm disclose all the limitation, as discussed in claim 17.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gilhousen et al. (US Patent number 4,901,307) discloses Spread Spectrum Multiple Access Communication System Using Satellite or Terrestrial Repeaters.

Alberty et al. (US Patent number 6,178,330) discloses Point-Multipoint Radio Transmission System.

Lkehama (US Patent number 5,771,436) discloses Satellite Communications Multi-Point Video Transmit System.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00

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pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on **(703) 308-6739**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L.  
August 5, 2002

John J Lee

*Nguyen*  
8/9/02  
**NGUYEN T. VO**  
**PRIMARY EXAMINER**